

REMARKS

The pending claims have been amended for readability and to address the concerns raised in the Office Action of November 26, 2008 regarding the antecedent basis for a number of dependent claim limitations. No new matter has been added.

The claims have been amended to remove or modify the limitations cited by the Office Action in rejecting claims 3, 4, and 8 under 35 U.S.C. § 112, second paragraph. These rejections should therefore be withdrawn.

Claims 1-4, 6, 8, and 9 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Burger et al., U.S. Patent No. 6,353,660. Claim 1 is a method claim directed to a method of providing data objects to subscriber terminals in a communications network, and claim 9 is a corresponding apparatus claim. The remaining claims depend from claim 1. Because Burger does not disclose or suggest all of the limitations of the independent claims, the rejections are improper and should be withdrawn. In particular, Burger does not disclose or suggest a method in which first and second groups of subscribers are associated with one of two types of terminals, and does not disclose a method in which data object retrieval is selectively provided in response to triggering events only for subscribers associated with network type terminals.

As amended, claim 1 reads:

A method of providing data objects to terminals of subscribers in a first telecommunications network having first subscribers with autonomous type terminals and second subscribers with network type terminals, wherein the autonomous type terminals comprise functionality for client-based retrieval of data objects and wherein the network type terminals rely on functionality in the network to provide for retrieval of data objects, the method comprising:
 associating each of the first and second subscribers with the
 corresponding type of terminal;
 determining occurrences of triggering events indicating communication
 events between subscribers; and

upon determination of each triggering event, selectively providing data object retrieval only to subscribers associated with network type terminals.

Claim 1 thus recites a method in which subscribers are associated with one of two types of communications terminals – autonomous type terminals, which are capable of client-based retrieval of data objects, and network type terminals, which rely on functionality to provide for retrieval of data objects. As the specification makes clear, this latter type of terminal is dependent upon so-called “push” functionality in the network, while the former type is capable of initiating retrieval of select data objects on its own. Given these associations, a network-based data object server can determine whether or how to respond to detected triggering events that indicate communication events between subscribers. If the subscriber terminals are capable of retrieving data objects on their own, then network intervention is unnecessary, and possibly even undesirable. On the other hand, if a subscriber terminal is a network-type terminal, then network assistance is needed. Accordingly, claim 1 recites that data object retrieval is selectively provided, in response to triggering events, “only to subscribers associated with network type terminals.”

Burger’s system does not resemble the claimed invention. Burger describes a call screening method in which a subscriber is able to screen calls placed to the subscriber from the PSTN, through the use of a distinct packet-based network. Although the system diagrams in Burger display conventional PSTN telephones as well as computer systems equipped with packet phone functionality, Burger does not disclose or suggest a method that includes associating each of first and second groups of subscribers with one of two distinct types of terminal, as recited in claim 1. Nor does Burger disclose or suggest a filtering server that is configured to associate each of first and second groups of subscribers with one of two distinct types of terminal, as recited in claim 9.

Similarly, Burger fails to disclose or suggest a method or apparatus in which data object retrieval is selectively provided only to subscribers associated with network type terminals, upon detection of triggering events indicating communications between subscribers. Instead, Burger describes a single process that is applied to all incoming calls, regardless of whether the call is made from a conventional telephone (e.g., telephone 88 of Burger's Fig. 2, see Burger, col. 6, line 62, to col. 7, line 60, and Fig. 4) or from a packet-capable computer platform (e.g., computer 162 of Burger's Fig. 2, see Burger, col. 10, line 66, to col. 11, line 32). The processing for these two cases is identical – thus, Burger does not selectively provide data object retrieval only for network-type terminals, as required by the pending claims.

Because Burger does not anticipate the pending independent claims 1 and 9, the rejections of these claims, as well as those for dependent claims 2-8 and 11, should be withdrawn. However, the rejections of several of the dependent claims should be withdrawn for additional reasons. For instance, claims 3, 4, 5, and 6 require determining whether a subscriber involved in a first communication event belongs to a second network and, if the subscriber belongs to the second network, then selectively letting the second network provide data object retrieval based on whether the second network provides data object retrieval for network type terminals. Burger does not disclose or suggest anything remotely like this procedure; the rejections of claims 3-6 should be withdrawn for at least this additional reason.

Dependent claims 5, 7, and 11 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over Burger in view of Minborg, U.S. Patent No. 6,977,909, which qualifies as prior art only under 35 U.S.C. § 102(e). Applicant submits that the subject matter of the Minborg patent and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely, The PhonePages of Sweden AB, a company in Gotenburg, Sweden. Accordingly, the subject matter

of the Minborg patent is not available for use in an obviousness rejection; the rejections of claims 5, 7, and 11 should be withdrawn for this additional reason.

In view of the present amendments and the above discussion, the pending claims 1-9 and 11 are allowable over the cited prior art. Applicant respectfully requests reconsideration of the present application and issuance of a notice of allowance.

Respectfully submitted,
COATS & BENNETT, P.L.L.C.

A handwritten signature in black ink, appearing to read "D. P. Homiller", written over a horizontal line.

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